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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,567

03/11/2004

Christian Lorenz

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7772

26294

7590

12/13/2006

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EXAMINER

ROSENBERG, LAURA B

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,567

Applicant(s)

LORENZ ET AL.

Examiner

Laura B. Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-13 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to the amendment filed 28 September 2006, in which claims 1-13 were amended.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Haesaert et al. (6,106,002). Haesaert et al. disclose a gas bag module (for example, including #1) able to be used with a motor vehicle steering wheel, gas bag module comprising:

- Gas bag (for example, including #14)
- Gas generator (for example, including #6) mounted so as to be capable of “swinging” in order to amortize vibrations
- Generator carrier (for example, including #2)
- Means (for example, including #17) for bracing the gas bag on the generator carrier (can be seen in figures 1, 2)
- Elastically deformable, in relation to a central axis of the gas bag module, encircling sealing element (for example, including #8), characterized in that the sealing element is fastened by its free edge portions directly or indirectly to the gas generator and to the generator carrier (can be seen in figures 1, 2), respectively, in

order to seal an interior of the gas bag from a space between the gas generator and the generator carrier before and on filling of the gas bag (column 3, lines 51-61; column 4, lines 31-40; figures 1, 2), and in that a middle section of the sealing element, which is free before the filling of the gas bag, is deflected by the pressure occurring in an interior of the gas bag on filling of the gas bag, so that the middle section comes directly or indirectly in abutment with a support surface (for example, including upper surface of #2; deflection can be seen in figure 2)

- Gas generator is at least partially supported in the gas bag module by the sealing element (can be seen in figures 1, 2)
- Sealing element is constructed in the manner of a cylinder (annularly surrounds a cylindrical housing #7 of the generator, thus it is constructed "in the manner of a cylinder") and is "upset in axial direction" (for example, can be seen in figure 2)
- Free edge portion of the sealing element is fastened to a mounting flange (for example, including upturned portion of #8 attached to #7, or including side wall of #7) of the gas generator
- Support surface is formed on a section of the generator carrier (for example, upper surface of generator carrier #2)

Examiner notes that while the embodiment shown in figures 1 and 2 has been pointed out, this is only an example, and the embodiments of figures 3 and 4 may also read on applicant's claimed invention.

***Allowable Subject Matter***

4. Claims 7-13 are allowed.
5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments filed 28 September 2006 have been fully considered but they are not persuasive. In regards to claim 1 and the Haesaert et al. reference, the phrase "so as to be capable of swinging in order to amortize vibrations" only requires that the gas generator be able to so perform. Further, the sealing element (including #8) seals an interior of the gas bag from the diffusion chamber (including #18), which is a space between the gas generator (including #6) and the generator carrier (including #2), before filling of the gas bag (column 3, lines 51-61; see figure 1), and the sealing element seals an interior of the gas bag from a space between the gas generator and the generator carrier on filling of the gas bag, so as to keep the inflation gas directed into the gas bag (column 4, lines 31-40; see figure 2).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 3616

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

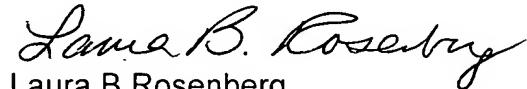
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Laura B Rosenberg  
Patent Examiner  
Art Unit 3616

LBR

  
DAVID R. DUNN  
PRIMARY EXAMINER